

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL STATON : **CIVIL ACTION**

v. :

PAUL SMEAL : **NO. 09-5539**

ORDER

AND NOW, this 23rd day of September, 2011, upon consideration of the Petition for Writ of Habeas Corpus (Document No. 2), the Respondents' Answer to Petition for Writ of Habeas Corpus (Document No. 19), the Report and Recommendation filed by United States Magistrate Judge Lynne A. Sitarski (Document No. 20) and the petitioner's objections to the Report and Recommendation (Document No. 23), and after a thorough and independent review of the record, it is **ORDERED** that:

1. The petitioner's objections are **OVERRULED**;
2. The Report and Recommendation of Magistrate Judge Sitarski is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of Habeas Corpus is **DENIED**; and,
4. There is no probable cause to issue a certificate of appealability.

/s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.